

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

FILE COPY

IN THE MATTER OF THE
DISCIPLINARY PROCEEDINGS AGAINST

93 MED 421

THOMAS BAYARD FREDERICK, M.D.

Respondent

ORDER TERMINATING STAY

The Medical Examining Board issued its Final Decision and Order in the above-captioned matter on February 23, 1994. By the terms of the board's Order, Dr. Frederick's license to practice medicine and surgery in Wisconsin was suspended for at least five years, with provision for consecutive three month stays of the suspension conditioned upon compliance by Dr. Frederick with certain limitations on the license, including participation in a treatment and rehabilitation program and a drug screening program.

On July 4, 1994, the board terminated the stay of suspension based upon findings that Dr. Frederick had failed to submit evidence of compliance with the terms and conditions of his limited license, and had failed to request any further stay of the license as required by the board's Final Decision and Order.

On August 30, 1994, the board issued its Order Granting Stay, granting further three month stays of the suspension of Dr. Frederick's license conditioned upon his compliance with the terms and conditions of the board's February 23, 1994, Final Decision and Order.

On January 23, 1995, the board again received information of violation of the terms and conditions of the board's Final Decision and Order. The matter came before the Board on a Motion to Terminate Stay filed by the Division of Enforcement, Department of Regulation and Licensing. Notice of the proceeding was given to respondent. Attorney Arthur Thexton appeared before the board on February 22, 1995, in support of the Motion. Dr. Frederick did not appear, but sent a letter to the Board acknowledging knowledge of the proceeding.

Based upon the Motion, and upon all other information of record herein, the Medical Examining Board makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Respondent Thomas Bayard Frederick (dob 2/19/51) was at all times relevant to this proceeding duly licensed under the provisions of Chapter 448, Wis. Stats., to practice as a physician and surgeon in the State of Wisconsin, under license number 21682, granted on 7/14/78.

2. On February 23, 1994, the Medical Examining Board issued its Final Decision and Order in this matter, finding that in 1990, respondent began to use opiates not prescribed for him, nor for legitimate medical purpose. He took codeine and hydrocodone samples from his clinic's sample supply, and consumed them episodically. In May, 1993, he began to take Demerol™ including by self-injection. He continued to consume all of these medications at various times until August 3, 1993, when he was confronted with videotapes of his actions, taken by local police. He practiced medicine and was on-duty at his clinic after consuming these drugs. Respondent has also abused alcohol and butalbital on occasions over the past several years. More than 95% of all usage was during evenings and on weekends, after direct patient care and contact had been completed.

3. The February 23, 1994, board Order provided that respondent must abstain from the use of alcohol and all unprescribed controlled substances. Respondent's license was suspended, and the suspension was stayed, on condition that he comply with the conditions set forth in the Order. On January 26, 1995, the Board granted a three month stay of suspension, pursuant to a request from respondent and upon his statement to the Board that he was in compliance with the Board's Order in all respects.

4. On January 30, 1995, the Department Monitor received information from respondent's treatment program that on 1/19/95, respondent submitted a sample of his urine which tested positive for ethanol. Another such sample taken on 1/23/95 also tested positive for ethanol. Another such sample taken on January 26, 1995, tested positive for opiates. Respondent, upon being confronted with this evidence, reportedly admitted to Charles Engel, M.D., respondent's treating addictionologist, that he had relapsed. Respondent has also acknowledged to the Board by correspondence that he has relapsed.

5. Paragraph 7 of the board's February 23, 1994, Final Decision and Order states as follows:

7. VIOLATIONS OF ORDER. *Violation of any of the terms of this order or of any law substantially related to the practice of medicine shall result in a summary suspension of the respondent's license; the denial of an extension of the stay of suspension or the termination of the stay; the imposition of additional conditions and limitations; or the imposition of additional discipline, including revocation of license.*

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter and authority to enforce its February 23, 1994, Order and to act pursuant to that Order, pursuant to the stipulation of respondent, §448.02, Wis. Stats., and Ch. Med 10, Wis. Adm. Code.

2. The facts set forth in paragraph 4, above, constitute a violation of the conditions of the Order of February 23, 1994, and establish a basis for terminating the Stay of Suspension granted by the Board on January 26, 1995.

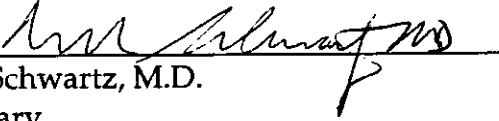
ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the STAY of Suspension granted on January 26, 1995, is TERMINATED and the SUSPENSION imposed and stayed on February 23, 1994 is REINSTATED. Respondent shall forthwith surrender all indicia of registration by mailing or delivering them to the department. Respondent shall also deliver such indicia to any agent of the department who requests them.

IT IS FURTHER ORDERED that Respondent may apply for stays for periods of three months, conditioned upon compliance with the conditions and limitations outlined in the February 23, 1994 Order, when he is in full compliance with that order.

Dated this 3rd day of March, 1995.

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

by 
W.R. Schwartz, M.D.
Secretary